

1 BY

Clayton
Murray

H. B. NO. 233

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7 A BILL
8 TO BE ENTITLED
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10 AN ACT relating to travel and per diem allowances
11 for members of the State Soil Conservation
12 Board, district supervisors, and delegates
13 and alternates to the State District Conser-
14 vation Conventions; changing the time
15 supervisors are elected; deleting obsolete
16 provisions relating to delegates to the State
17 District Conservation Conventions; amend-
18 ing Subsections C and D, Section 4; and
19 Section 6, Chapter 3, page 7, General Laws,
20 Acts of the 46th Legislature, Regular Session,
21 1939, as amended, and Chapter 332, Acts
22 of the 53rd Legislature, Regular Session,
23 1953, as amended; repealing Subdivision (5),
24 Section 3, and Subsection B, Section 4,
25 Chapter 3, page 7, General Laws, Acts of
26 the 46th Legislature, Regular Session, 1939,
27 as amended; and declaring an emergency.
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29 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
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31 Section 1. Subsection D, Section 4, Chapter 3, page 7, General
32 Laws, Acts of the 46th Legislature, Regular Session, 1939, as amended
33 and renumbered by Chapter 308, Acts of the 47th Legislature, Regular
34 Session, 1941 (Article 165a-4, Vernon's Texas Civil Statutes), is
35 amended to read as follows:

36 "D. Each member of the State Soil Conservation Board shall take
37 the state constitutional oath of office, and said State Soil Conservation
38 Board shall designate one of its elective members to serve as chairman.

39 Vacancies upon such board shall be filled for an unexpired term
40 or for a full term, by the same manner in which the retiring members
41 were respectively elected. Elective members of the board may receive
42 compensation for their services on the board, not to exceed the sum of
43 \$20 per diem for each day of actual service rendered, but each member
44 shall be entitled to expenses, including traveling expenses, necessarily
45 incurred in the discharge of his duties as a member of the board."

46 Sec. 2. Section 6, Chapter 3, page 7, General Laws, Acts of the
47 46th Legislature, Regular Session, 1939, as amended and renumbered
48 by Chapter 308, Acts of the 47th Legislature, Regular Session, 1941
49 (Article 165a-4, Vernon's Texas Civil Statutes), is amended to read
50 as follows:

51 "Sec. 6. METHOD OF SELECTION, QUALIFICATIONS, AND
52 TENURE OF SOIL CONSERVATION DISTRICT SUPERVISORS. (a) Within
53 30 days after the date of issuance by the secretary of state of a
54 certificate of organization of a soil conservation district, the State
55 Soil Conservation Board shall designate a time and place within the
56 subdivisions wherein supervisors are to be elected, giving due notice of
57 such designation in each subdivision of the district wherein elections
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1 are to be held. The owners of land within each subdivision shall meet
2 at the time and place as designated by the State Soil Conservation Board
3 for the purpose of electing from within the subdivision a member to the
4 board of district supervisors. The qualified voters present shall pro-
5 ceed by electing a chairman, secretary, and tally clerks. Nominations
6 shall be in order, and when nominations have ceased, the nominees shall
7 be announced by the secretary. The qualified voters present shall, by
8 a written ballot, cast their vote for their choice from among the
9 nominees. When the votes have been tabulated by the tally clerks, if no
10 candidate has received a majority of the total votes cast, the two candi-
11 dates receiving the largest number of votes shall be voted on in a second
12 ballot, and the candidate receiving the largest number of votes shall be
13 declared elected.

14 "(b) If there is no objection, the State Soil Conservation Board may
15 designate the polling places for electing supervisors outside of a sub-
16 division. If there is an objection, the board must receive the approval
17 of a majority of the persons qualified to vote for supervisors before it
18 may make the designation.

19 "(c) The secretary shall record the proceedings of the meeting, and
20 shall, within five days, certify to the State Soil Conservation Board
21 the name and the proper address of the person elected.

22 "The three members as certified to the state board shall serve until
23 at a regular election within the subdivisions from which they are elected
24 their successors are elected and have qualified.

25 "(d) The governing body of the district shall consist of five super-
26 visors, composed of the three supervisors elected as provided herein-
27 above, together with the two supervisors appointed as provided for in
28 Section 5 of this Act by the State Soil Conservation Board. All five such
29 supervisors shall be owners of land within the subdivision from which
30 they are appointed or elected and shall be actively engaged in the
31 business of farming or animal husbandry.

32 "(e) The supervisors shall designate a chairman, vice chairman,
33 and secretary and may, from time to time, change such designation.
34 Each of the supervisors who is appointed or elected upon creation of
35 the district shall serve until at the regular election of supervisors their
36 successors are elected and have qualified. Beginning with the year
37 1943, other than the first election and appointment of supervisors within
38 a district, all elections for the election of district supervisors shall be
39 held on the first Tuesday in October. On the first Tuesday in October,
40 1943, elections shall be held in all five subdivisions in each district
41 within the state for election of supervisors, which shall establish a
42 regular period for elections. Terms of office of supervisors elected on
43 the first Tuesday in October, 1943, shall be as follows: Subdivision
44 No. 1, one year; Subdivision No. 2, two years; Subdivision No. 3, three
45 years; Subdivision No. 4, four years; and Subdivision No. 5, five years.
46 or until their successors are elected and have qualified. Their succes-
47 sors in office shall be elected for a term of five years. In districts
48 created thereafter, the two appointed and the three elected supervisors
49 shall serve until the regular period for elections in corresponding sub-
50 divisions in all districts, or until their successors are elected and have
51 qualified. Their successors in office shall serve for the regular five-
52 year term. Terms of office of all supervisors elected shall begin on
53 the day following their election.

54 "(f) Beginning with the election of supervisors held in 1965, super-
55 visors are elected on a date, to be specified by the board of district
56 supervisors for each district, that is after September 30 and before
57 October 16 of each year.

58 "(g) Vacancies shall be filled by election for the unexpired term.

1 "(h) A majority of the supervisors shall constitute a quorum and
2 the concurrence of a majority of the supervisors in any matter within
3 their duties shall be required for its determination. A supervisor may
4 receive compensation for services not to exceed \$10 for each day he
5 shall be in attendance at the meetings of the board of supervisors, and
6 eight cents per mile for travel each way between the residence of a
7 supervisor and the designated meeting place of the supervisors within
8 the boundaries of the district. Supervisors shall be paid quarterly for
9 their services, and may not receive compensation and mileage for any
10 number of days in excess of five in any three-month period, except that
11 two members of each board of supervisors shall be entitled to receive
12 \$10 per day not to exceed two days, and one member shall be entitled to
13 receive eight cents per mile, while attending an annual statewide meeting
14 of supervisors to be held at a time and place to be determined by the
15 State Soil Conservation Board.

16 "(i) The supervisors may employ such officers, agents, and
17 employees, permanent and temporary, as they may require, and shall
18 determine their qualifications, duties, and compensation. The super-
19 visors may delegate to their chairman, to one or more supervisors, or
20 to one or more agents or employees, such powers and duties as they may
21 deem proper. The supervisors shall furnish to the State Soil Conserva-
22 tion Board, upon request, copies of such ordinances, rules, regulations,
23 orders, contracts, forms, and other documents as they shall adopt or
24 employ, and such other information concerning their activities as it may
25 require in the performance of its duties under this Act.

26 "(j) The supervisors shall provide for the execution of surety
27 bonds for all employees and officers who shall be entrusted with funds
28 or property, shall provide for the keeping of a full and accurate record
29 of all proceedings of all resolutions, regulations, and orders issued or
30 adopted, and shall provide for an annual audit of the accounts of receipts
31 and disbursements. The state board may demand and pay the expenses
32 of an audit at any time. Any supervisor may be removed by the State
33 Soil Conservation Board, upon notice and hearing, for neglect of duty
34 or malfeasance in office, or if disqualified as a voter within the district,
35 but for no other reason.

36 "(k) The supervisors may invite the legislative body of any munici-
37 pality or county located within or near the territory comprised within
38 the district to designate a representative to advise and consult with the
39 supervisors of the district on all questions of program and policy which
40 may affect the property, water supply, or other interests of such
41 municipality or county."

42 Sec. 3. Chapter 332, Acts of the 53rd Legislature, Regular
43 Session, 1943, as amended by Section 1, Chapter 526, Acts of the 54th
44 Legislature, 1955 (Article 165a-10, Vernon's Texas Civil Statutes), is
45 amended by adding a new section to read as follows:

46 "Sec. 9A. The delegate elected to represent each local soil
47 conservation district at the State District Conservation Convention is
48 entitled to a transportation allowance of eight cents a mile for travel
49 each way between the county seat of his county and the place where the
50 district convention is held. The delegate, or the alternate, if the
51 delegate does not attend, is entitled to a per diem allowance of \$10 a
52 day, for not more than two days. The State Soil Conservation Board
53 shall pay the transportation and per diem allowances."

54 Sec. 4. Subsection C, Section 4, Chapter 3, page 7, General Laws,
55 Acts of the 46th Legislature, Regular Session, 1939, as amended and
56 renumbered by Chapter 308, Acts of the 47th Legislature, Regular
57 Session, 1941 (Article 165a-4, Vernon's Texas Civil Statutes), is
58 amended to read as follows:

1 "C(a) Board members for Districts 2 and 4 elected in 1941 under
2 the provisions of House Bill No. 20, Acts, 46th Legislature, Regular
3 Session, 1939, shall serve for the term for which they were elected, and
4 until their successors are elected and have qualified. On the first
5 Tuesday in May, 1943, at a place within the district to be designated by
6 the State Soil Conservation Board, State District 2 shall elect a board
7 member as hereinabove provided, to serve on the State Soil Conservation
8 Board for a period of five years, and State District 4 shall elect a board
9 member as hereinabove provided to serve on the State Soil Conservation
10 Board for a period of four years. Thereafter, board members elected
11 from State Districts 2 and 4 shall be elected for a period of five years
12 or until their successors are elected and have qualified.

13 "(b) Board members for Districts 1, 3, and 5, elected under the
14 provisions of House Bill No. 20, Acts, 46th Legislature, Regular Session,
15 1939, shall hold their offices for the terms for which they were elected,
16 and until their successors are elected and have qualified. On the first
17 Tuesday in May, 1942, at a place within the district to be designated by
18 the State Soil Conservation Board, State District 1 shall elect a board
19 member as hereinabove provided to serve on the State Soil Conservation
20 Board for a period of two years, and State District 3 shall elect a board
21 member as hereinabove provided to serve on the State Soil Conservation
22 Board for a period of three years, and State District 5 shall elect a
23 board member as hereinabove provided to serve on the State Soil Conser-
24 vation Board for a period of four years. Thereafter, board members
25 elected from State Districts 1, 3, and 5 shall be elected for a period of
26 five years or until their successors are elected and have qualified.

27 "(c) Terms of office of all state board members shall begin on the
28 day following their election."

29 Sec. 5. Subdivision (5), Section 3, and Subsection B, Section 4,
30 Chapter 3, page 7, General Laws, Acts of the 46th Legislature, Regular
31 Session, 1939, as amended and renumbered by Chapter 308, Acts of the
32 47th Legislature, Regular Session, 1941 (Article 165a-4, Vernon's Texas
33 Civil Statutes) are repealed.

34 Sec. 6. This Act takes effect on September 1, 1965.

35 Sec. 7. The importance of this legislation and the crowded condition
36 of the calendar in both houses create an emergency and an imperative
37 public necessity that the Constitutional Rule requiring bills to be read on
38 three several days in each house be suspended, and the Rule is hereby
39 suspended.
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FORM A

(For favorable and unfavorable reports on bills and resolutions, where no committee amendments are recommended.)

COMMITTEE REPORT

Date 3-1-65,

HON. BEN BARNES

Speaker of the House of Representatives.

Sir:

We, your Committee on CONSERVATION AND RECLAMATION, to whom was referred H. B. No. 233, have had the same under consideration

and beg to report back with recommendation that it { do } pass, and be printed

ACHARD
↓-Chairman.

(When this form is used for a favorable report on a general bill the words "do not" are marked out. If the bill is a local bill the word "not" should be inserted before the word "printed." When used for an unfavorable report the word "do" is marked out, the comma after "pass" is changed to a period, and the remaining words also marked out.

When this form is used for a simple or concurrent resolution the comma after "pass" should be a changed to a period and the remaining words stricken out because resolutions are printed in the Journal when first introduced.)

H. B. No. 233 By Clayton et al

A BILL
TO BE ENTITLED

AN ACT relating to travel and per diem allowances for members of the State Soil Conservation Board, district supervisors, and delegates and alternates to the State District Conservation Conventions; . . . etc. ; and declaring an emergency.

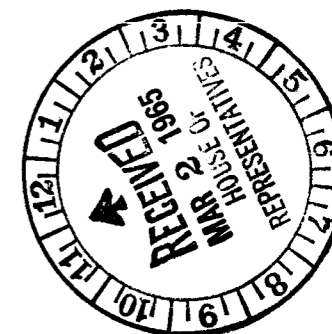
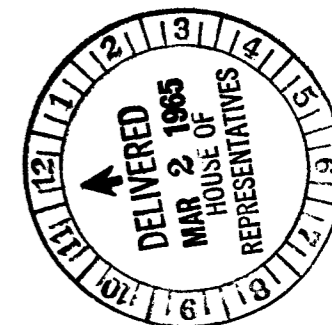
FILED JAN 26 1965

FEB 3 1965 READ 1ST TIME
AND REFERRED TO COMMITTEE ON

Conservation & Reclamation

MAR 1 1965 REPORTED FAVORABLY SENT TO PRINTER

MAR 2 1965 RETURNED FROM PRINTER SENT TO SPEAKER



Conservation & Reclamation